

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY JE D.C.
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DAFFNEY THOMAS,

Plaintiff,

v.

CITY OF MEMPHIS, *et al.*,

Defendants.

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No. 04-2314 MI V

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENN, MEMPHIS

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates have been established as the final dates for:

INITIAL DISCLOSURES pursuant to Fed.R.Civ.P. 26(a)(1): September 8, 2005

JOINING PARTIES: October 25, 2005

AMENDING PLEADINGS: October 25, 2005

INITIAL MOTIONS TO DISMISS: November 28, 2005

COMPLETING ALL DISCOVERY: February 24, 2006

a) WRITTEN DISCOVERY: February 24, 2006

b) DEPOSITIONS: February 24, 2006

c) EXPERT DISCLOSURES (Rule 26)

1) Plaintiff's Rule 26 Expert: December 30, 2005

2) Defendants' Rule 26 Expert: January 30, 2006

3) Expert Depositions: February 24, 2006

FILING DISPOSITIVE MOTIONS: March 24, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- a) For Plaintiff: Thirty (30) days prior to trial
- b) For Defendants: Twenty (20) days prior to trial
- c) Parties shall have ten (10) days after service of opposition's final witness and/or exhibit list to file objections under Rule 26(a)(3)

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery deadline. All motions, written discovery, or other filings that require a response must be filed sufficiently in advance of the discovery deadline so as to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within thirty (30) days of the default or the service of the response, answer, or objection if the default occurs within thirty (30) days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

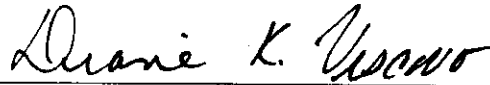
The parties are reminded that, pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed.R.Civ.P. 12, 56, 59, and 60, must be accompanied by a proposed order. The opposing party on any motion may file a response. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it must file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

This case is set for JURY TRIAL and is expected to last two days. The district judge will set the trial date, pretrial conference date, and deadline for pretrial order. The attorneys will determine if the case is appropriate for ADR and will report to the Court within one (1) week after the close of discovery.

The parties have not consented to trial before the magistrate judge.

This Scheduling Order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

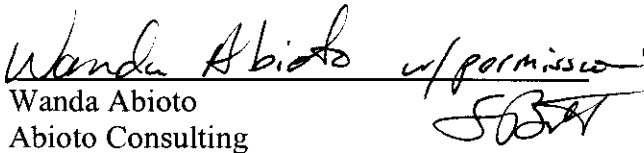
IT IS SO ORDERED.



Diane K. Vescovo
United States Magistrate Judge

Dated: August 17, 2005


APPROVED AS TO FORM:



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Notice of Distribution

This notice confirms a copy of the document docketed as number 31 in case 2:04-CV-02314 was distributed by fax, mail, or direct printing on August 19, 2005 to the parties listed.

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Honorable Jon McCalla
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